
UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

CHARLES FULTON,	§	
	§	
Petitioner,	§	
	§	
<i>versus</i>	§	CIVIL ACTION NO. 1:08-CV-337
	§	
U.S. PAROLE COMMISSION, <i>et al.</i> ,	§	
	§	
Respondents.	§	

**MEMORANDUM ORDER OVERRULING PETITIONER’S OBJECTIONS AND
ADOPTING THE MAGISTRATE JUDGE’S REPORT AND RECOMMENDATION**

Petitioner Charles Fulton, an inmate formerly confined at the Federal Correctional Complex in Beaumont, Texas, proceeding *pro se*, brought this petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241.

The court referred this matter to the Honorable Earl S. Hines, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The magistrate judge recommends that the above-styled petition should be denied.

The court has received and considered the Report and Recommendation of United States Magistrate Judge, along with the record, pleadings and all available evidence. Petitioner filed objections to the magistrate judge’s Report and Recommendation. This requires a *de novo* review of the objections in relation to the pleadings and the applicable law. *See* FED. R. CIV. P. 72(b).

After careful consideration, the court concludes Petitioner’s objections are without merit. As the magistrate judge explained, the forfeiture of time spent on special parole is not discretionary, but automatic, following the revocation of such special parole for violation of its terms and conditions. *See Cortinas v. U.S. Parole Comm’n*, 938 F.2d 43, 46 (5th Cir. 1991);

Munguia v. U.S. Parole Comm'n, 871 F.2d 517, 520 (5th Cir. 1989). Petitioner was not resentenced by the Parole Commission, as he argues. Petitioner's special parole term was revoked and he was ordered to serve twenty-four months in custody before resuming his special parole term with no credit for the time previously spent on special parole.

ORDER

Accordingly, Petitioner's objections are **OVERRULED**. The findings of fact and conclusions of law of the magistrate judge are correct, and the report of the magistrate judge is **ADOPTED**. A final judgment will be entered in this case in accordance with the magistrate judge's recommendation.

SIGNED at Beaumont, Texas, this 31st day of May, 2011.

A handwritten signature in black ink, reading "Marcia A. Crone", is positioned above a horizontal line.

MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE